



Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 2

ORDER-MAKING POWERS

Procedure

25 Procedure

- [^{F1}(1) An order under this Part must be made by statutory instrument.
- (2) The Scottish Ministers may not make an order under section 14 or 17(1) unless—
- (a) they have consulted in accordance with section 26,
 - (b) following that consultation, they have laid before the Scottish Parliament—
 - (i) a draft order, and
 - (ii) an explanatory document prepared in accordance with section 27, and
 - (c) the draft order has been approved by resolution of the Parliament.
- (3) Except as mentioned in subsection (7), the Scottish Ministers may not make an order under section 15 unless—
- (a) they have consulted in accordance with subsection (4),
 - (b) following that consultation, they have laid before the Parliament—
 - (i) a draft order, and
 - (ii) an explanatory document prepared in accordance with subsection (5), and
 - (c) the draft order has been approved by resolution of the Parliament.
- (4) The Scottish Ministers must consult any person, body or office-holder in respect of which they propose to add an entry to schedule 5.
- (5) The explanatory document must give details of—
- (a) any consultation undertaken under subsection (4),
 - (b) any representations received as a result of the consultation,

Status: Point in time view as at 06/05/2020.

Changes to legislation: Public Services Reform (Scotland) Act 2010, Section 25 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) the changes (if any) made to the proposals mentioned in subsection (4) as a result of those representations.
- (6) Subsections (2) to (4) of section 27 apply to consultation under subsection (4) of this section as those subsections of section 27 apply to consultation under section 26; and references to subsection (1)(f)(ii) in section 27(2) and (3) are to be read as references to subsection (5)(b) of this section.
- (7) Where an order under section 15 contains only a provision mentioned in subsection (2) (b) of that section and, if applicable, a provision mentioned in subsection (4) of that section, the order is subject to annulment in pursuance of a resolution of the Parliament.]

Textual Amendments

- F1** Ss. 14-30 cease to have effect (2.8.2015) by virtue of [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [s. 134\(2\)\(3\)](#) (with [s. 134\(4\)\(5\)](#)); however, ss. 14-30 continue to have effect until 4.6.2020 by virtue of [The Public Services Reform \(Scotland\) Act 2010 \(Part 2 Extension\) Order 2015 \(S.S.I. 2015/234\)](#), [arts. 1, 2](#); which continuation is further extended until 5.5.2025 by [The Public Services Reform \(Scotland\) Act 2010 \(Part 2 Further Extension\) Order 2020 \(S.S.I. 2020/140\)](#), [arts. 1, 2](#)

Commencement Information

- I1** S. 25 in force at 1.8.2010 by [S.S.I. 2010/221](#), [art. 3\(2\)](#), [Sch.](#)

Status:

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